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C O N F I D E N T I A L SECTION 01 OF 02 DHAKA 000824

SIPDIS

FOR SCA/INSB AND DRL

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TAGS: [PHUM](#) [PGOV](#) [PINS](#) [PINR](#) [PTER](#) [MARR](#) [MASS](#) [BG](#)
SUBJECT: RAPID ACTION BATTALION TRAINING: BENCHMARK
RECOMMENDATIONS TO IMPROVE HUMAN RIGHTS PERFORMANCE

REF: STATE 101210 - RAB: THE WAY FORWARD

Classified By: Ambassador James F. Moriarty. Reasons: 1.4 (b) and (d)

Summary

¶1. (C) Two United States Marshals have prepared preliminary recommendations for how the RAB can improve and safeguard its human rights performance. The two, who were on an S/CT-funded DOJ/ICITAP deployment, departed Dhaka in late August after 90 days embedded with Bangladesh's lead counterterrorism (CT) unit, the Rapid Action Battalions (RAB). If the RAB implements these benchmark recommendations, which have been vetted by the Country Team, we will recommend expanding USG-provided training beyond current human rights training as envisioned (reftel). As a longer-term challenge, the DOJ/ICITAP team highlighted the importance of modernizing outdated legal statutes, some dating as far back as 1861, which provide Bangladesh law enforcement agencies authority to use lethal force. The RAB is the country's premiere CT unit; improving its capabilities and professionalism is a critical component to United States' efforts to deny terrorists space to operate in Bangladesh and beyond. End Summary.

SETTING THE BENCHMARK HUMAN RIGHTS STANDARD

¶2. (SBU) Two United States Marshals, deployed to Bangladesh on an S/CT-funded DOJ/ICITAP Project, embedded in Bangladesh's RAB in early June. As their 90-day Deployment drew to a close, the DOJ/ICITAP team discussed preliminary recommendations with the Country Team on how the RAB could improve its human rights performance in line with the goals outlined reftel. (Note: The Marshals will be in Washington for outbriefs the week of August 23. End note.) The Marshals based their recommendations on daily observations and a comprehensive review of RAB operating procedures. RAB officials cooperated fully during the assessment and provided all requested information during the Marshals' assessment. If RAB can implement these benchmark recommendations, we will recommend expanding training to include technical and non-lethal force training along with continuing human rights training.

Recommendation: - STANDARD OPERATING PROCEDURES

¶3. (C) Improving the internal affairs system within the RAB is an important first step to implementing effective accountability. There are two parts of accountability, Standard Operating Procedures (SOP) and Internal Affairs. SOPs include all administrative aspects of the operation. Standing orders to include use of force, escalation of force

and tactical SOPs, INTEL assessment, operational planning, Rules of Engagement (ROE) and special instructions all contribute to control of the operation and accountability of individual and unit actions regardless of whether force is used. Having SOPs in place and followed develops a foundation for accountability. Additionally, the RAB should incorporate a detailed post-operations review of all operations it conducts and submit a formal post operation report immediately upon completion of the operation. In cases where force is used, immediate supervisors and an independent Internal Affairs Division should initiate automatic reviews with results publicly available.

Recommendation: Transparent After Action Reporting

4 (C) Post concurs with the Marshals that embedding a USG team of forensic and crime scene analysts into the RAB would be a positive step forward in reforming the RAB and maintaining their cooperation. Having an embed team presents two potential benefits. First, an independent body would be able to investigate incidents involving RAB use of lethal force. Second, the RAB would be able to observe US law enforcement methods for investigating crime scenes. We believe embedding a team within the RAB has the best chance of directly changing the way in which RAB operates and making it into a more transparent process while also gaining RAB buy-in for deeper procedural reform.

Longer Term Goal: Updating Law Enforcement Statutes

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15. (C) Like other Bangladesh law enforcement agencies, the RAB is governed by use of force guidelines outlined in outdated statutes. These include the Police Act of 1861, Code of Criminal Procedures of 1898, and the Armed Forces (Special Powers) Ordinance, 1942. The GOB is currently working on a draft Police Act of 2009. The drafting process provides us with an opportunity to advocate enshrining human rights safeguarding mechanisms, guidelines for use of lethal and non-lethal use of force, and establishment of an independent internal affairs system for all law enforcement. A new Police Act could also establish a new agency similar to U.S. Inspector Generals to investigate and prosecute illegal law enforcement action or criminal activity.

RAB Human Rights benchmarks AND THE WAY FORWARD

16. (C) As we press RAB to improve its human rights performance, it is important to set goals mindful of the speed with which we can expect the RAB to adopt the full spectrum of desired reforms. If the RAB implements our benchmarks, Mission Dhaka will support additional training beyond human rights for the RAB. Such training could initially include technical training to assist the RAB establish organic forensic and crime scene investigation teams, deliberate and crisis action planning, combat life saver course, and risk mediations/assessment. The RAB also needs non-lethal force equipment and training. These would provide the RAB with options it currently lacks, and may help reduce the RAB's use of lethal force, currently its only option. Besides upgrading the RAB's effectiveness, such training could also further improve transparency and human rights protection mechanism. The desired end state would be to provide the RAB with tactics, techniques, and procedures (TTP) training.

Comment

17. (C) An effective CT capability is critical to safeguarding U.S. interests in Bangladesh and beyond. As Bangladesh's only CT unit, the RAB is an essential partner

for U.S. efforts to deny terrorists space to operate. Establishing human rights benchmarks, which demonstrably improve human rights performance, and providing U.S. help to RAB to achieve these benchmarks are in the direct security and longer-term democracy and development interests of the United States. Engaging RAB to adopt and implement these human rights benchmarks while holding open the door to additional training, conditional on improved human rights performance, is the best way to promote human rights and counter terrorism in Bangladesh and beyond.

MORIARTY